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Planning Commission Staff Report

TO: PLANNING COMMISSION / DESIGN REVIEW BOARD

FROM: KEITH NEWMAN, PLANNER II *KN*
(480) 503-6812, KEITH.NEWMAN@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: NOVEMBER 4, 2020

SUBJECT: GP20-03 TOWN ON GERMANN: Request for Minor General Plan Amendment to change the land use classification of approx. 14.53 acres generally located south and west of the southwest corner of Lindsay Rd. and Germann Rd. from General Office (GO) to Residential >14-25 DU/Acre land use classification.

Z20-08 TOWN ON GERMANN: Request to rezone approx. 14.53 acres generally located south and west of the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) zoning district.

STRATEGIC INITIATIVE: Exceptional Built Environment

To allow a multi-family development on a currently vacant property

RECOMMENDED MOTION

- A. Move to recommend to Town Council approval of GP20-03, a Minor General Plan Amendment; and
- B. For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z20-08, as requested, subject to the conditions listed in the staff report.

APPLICANT

Company: Norris Design

Name: Ben Cooper

Address: 901 E. Madison St.
Phoenix, AZ 85034

Phone: 602-254-9600

Email: bcooper@norris-design.com

OWNER

Name: Nothum Properties LP

Address: 20 S. Kyrene Rd.
Chandler, AZ 85226

480-889-0010

mike@landworksaz.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>January 8, 1975</i>	Town Council adopted Ordinance No. 174, annexing a 2.36-acre parcel of the subject property along the southern property line.
<i>September 25, 2007</i>	Town Council approved A07-39, adopting Ordinance No. 2020, annexing 12.4-acre portion of the subject property.
<i>November 15, 2012</i>	Town Council approved Z11-37, adopting Ordinance No. 2392, rezoning a 12.4-acre portion of the subject site from Maricopa County Rural-43 zoning district to Business Park (BP) zoning district.
<i>February 4, 2020</i>	Town Council adopted the 2020 General Plan update including consolidation of non-residential land use designations; this update included the Business Park land use designation being changed to the new General Office land use designation town wide.
<i>August 2, 2020</i>	Voters ratified the 2020 General Plan update including consolidation of non-residential land use designations; this update included the Business Park land use designation being changed to the new General Office land use designation town wide.
<i>October 5, 2020</i>	Planning Commission reviewed GP20-03 and Z20-08 as a study session item.

Overview

The applicant is requesting to change the land use classification and zoning of an approx. 14.53 acre site that is generally located south and west of the southwest corner of Lindsay Rd. and Germann Rd. The General Plan land use classification is proposed to change from General Office (GO) to Residential > 14-25 DU/Acre. In conjunction with the General Plan Amendment, the applicant is seeking approval of a rezone from Business Park (BP) to Multi-Family/Medium (MF/M), to allow the construction of a Townhouse community.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	General Office (GO)	Maricopa County Rural-43	Single Family Residential and various out buildings
South	City of Chandler –Single Family Residential	City of Chandler - Single Family Residential PAD	Existing single family residential subdivision (7,800 sq. ft. parcels, typical)
East	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)	RWCD Canal then medical office buildings
West	Residential > 14-25 DU/Acre and Industrial	Multi-Family/Medium (MF/M) and Light Industrial (LI)	Silverado Court then Liv Crossroads Apartments
Site	General Office (GO)	Business Park (BP)	Undeveloped

General Plan Amendment

The 14.53-acre subject site is currently designated for General Office (GO) land uses in the General Plan. The applicant is requesting a change to Residential > 14-25 DU/ Acre land use designation. The subject site is located within the Gilbert and the 202 Growth Area, which identifies areas that are particularly suitable for multi-modal transportation and infrastructure expansion and improvements designed to support a planned concentration of a variety of uses, such as residential, office, commercial, tourism and industrial uses. The primary focus of economic growth in this area is general office, business park, and light industrial land uses that have a need for quick access or proximity to the airport. The site is constrained by a variety of factors that make the development of General Office uses challenging. These constraints include a lack of frontage along Germann Rd and relatively poor access (ingress/egress) from this minor collector roadway, location adjacent to an RWCD Canal, and close proximity to an existing apartment complex to the west and single family residential to the south.

According to the applicant, the property owner who has owned the site for 35 years has been unable to generate interest from employment users despite the success of nearby light industrial projects and the prospect of a new freeway interchange at Lindsay Rd. Market feedback has continually indicated that the site's poor access and considerable setback from Germann Road and the prospect of potentially placing 24/7 business operations so close to the existing single-family homes (to the south) have been concerns for users and some nearby residents. The applicant believes multi-family is a more compatible use and provides a better buffer to the existing single-family homes and Business Park zoning along Germann Road.

The applicant has stated that they believe they conform to the following Goals and Policies of the recently adopted 2020 General Plan:

General Plan Goals & Policies

Goals:

- CM-1 Encourage a Balanced Land use Framework
- CM-2 Focus on Quality Development
- CM-3 Foster Vibrant Gathering Places
- CM-4 Promote Our Neighborhoods
- CM-5 Provide Diverse, High Quality Housing
- CM-7 Bring Us Together
- OP-1 Encourage Job Growth
- OP-2 Promote Health and Wellness
- OP-3 Maintain Public Safety
- CN-1 Effectively Manage Congestion
- CN-2 Improve Mobility Choices

Policies:

- **Policy 1:** Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources.

Applicant Notes: This application takes a thoughtful approach to the subject property's infill location. It is a sound planning principal to buffer higher intensity uses from lower intensity uses, and this Residential >14-25 project continues the principal followed by the adjacent Liv Community apartment project by providing an efficient land use and buffer between the nearby light industrial development and the existing single-family homes to the south.

- **Policy 2:** Encourage high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, market preferences, and incomes.

Applicant Notes: The proposed multifamily community will be planned and constructed by a home builder known for its quality developments in several states, with locations in the Phoenix area such as Scottsdale, Arcadia, and the Biltmore. The proposed two-story "townhomes for rent" will fill a niche and provide a type of housing that is unique to the Gilbert/Germann submarket.*

*Staff notes that this application does not include a PAD overlay where development standards such as height can be locked in.

- **Policy 4:** Promote mixed-use development within appropriate land use classifications.

Applicant Notes: While not a mixed-use development itself, this proposal brings a new residential option to an area with substantial employment and commercial uses nearby. Residents will be able to walk to work and/or have a short drive to shopping and other services.

- **Policy 5:** Guide a greater diversity of housing types and densities, retail and commercial centers, and employment opportunities into identified growth areas where significant change is foreseeable.

Applicant Notes: This proposal will provide a unique residential option and encourage additional development within an infill parcel located in the Gilbert and the 202 Growth Area. As such, it will support other expansion currently anticipated on both sides of the freeway between Gilbert and Lindsay.

- **Policy 6:** Support the provision of appropriate transitions between sites having distinct changes in types or intensities of land uses.

Applicant Notes: This proposal will provide a unique residential option and encourage additional development within an infill parcel located in the Gilbert and the 202 Growth Area. As such, it will support other expansion currently anticipated on both sides of the freeway between Gilbert and Lindsay.

- **Policy 7:** Preserve and maintain Gilbert's attractive appearance and quality of development that provide a sense of place.

Applicant Notes: The developer pursuing this application has a reputation for high-quality design and craftsmanship and looks forward to bringing a project through Gilbert's Design Review process that will make the Town's residents proud. The community's design will utilize planning, landscape, and amenities to create a sense of place for its residents and guests.

- **Policy 13:** Apply principles that ensure a safe and welcoming environment when designing individual structures or master planned developments.

Applicant Notes: Community safety is a top concern and the project will be designed to unobtrusively maximize the security that residents enjoy. Sound planning principles will be used to ensure natural surveillance and visibility, adequate lighting, secure fencing, and other means of maintaining a safe property to be enjoyed by residents and guests.

- **Policy 15:** Promote a variety of well-designed and maintained public and private parks and open spaces that will encourage and support community interaction and recreational activity for all ages.

Applicant Notes: With over 40% open space which will include a large private "central park," multiple smaller parks, trails, and community amenities, residents of the new community will have ample opportunities to live a healthy life while getting to know their neighbors.

- **Policy 16:** Recognize, sustain, and promote the quality and character of existing residential neighborhoods as they mature, and as new development occurs nearby.

Applicant Response: This application is sensitive to the existing single-family neighborhood to the south and will provide adequate buffering, landscaping and other design elements to ensure that the four adjacent homeowners are not negatively impacted by the development.

- **Policy 19:** Support infill development that is designed to acknowledge the surrounding context.

Applicant Notes: This proposal provides a sensible transition from the more intense industrial uses to the north to the existing single-family homes to the south.

- **Policy 58:** Promote strategies that create a healthy community by improving air quality.

Applicant Notes: Infill development like this reduces commutes and supports the policy of improving air quality. Its location near the Loop 202 will also help avoid creating new congestion on the local street network.

Rezone Request

The applicant is requesting a change in zoning for the 14.53 acre subject site from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) to accommodate the development of a multi-family development. Although the applicant is not proposing a PAD with a development plan, they indicate the intent is for the development of a 2 story, 207-unit town house community with a proposed gross density of 14.25 DU/Acre. The intent is to provide a contemporary multi-family environment that will provide a new housing option near existing and future employment in the Loop 202 corridor. It is important to note that without a development plan, future development will be permitted consistent with the base district standards including a density range of 14 to 25 DU/Acre and a maximum height of 40'.

The proposed rezoning to multi-family residential will provide buffering between existing single family residential to the south in the City of Chandler and anticipated employment uses to the north. The subject site is currently located within Area 5 of the Town of Gilbert Vertical Development Overlay Zoning District; however, the bonus heights and reduced setbacks do not apply to Multi-Family/Medium (MF/M) zoned property.

The primary access for Town on Germann will be via Silverado Ct. which was constructed as a private drive with Phase 1 of the light industrial development to the west and will provide ingress/egress for the Town on Germann, the light industrial users, and the residents of Liv Gilbert Crossroads which is an apartment complex currently under construction to the west of the subject site. Two access points onto Silverado Ct. have been provided to accommodate the Town on Germann development. Secondary emergency access will be available through the industrial project to the west which is currently under construction.

Project Data Table

Site Development Regulations	Required per LDC MF/M
Maximum Height (ft.)/Stories	40'
Minimum Building Setbacks (ft.)	
Front	30'
Side (Residential)	30'
Side (Non-residential)	20'
Rear (Non-residential)	20'
Minimum Perimeter Landscape Area (ft.)	

Front	20'
Side (Residential)	20'
Side (Non-residential)	15'
Rear (Non-residential)	20'
Private Open Space (sq. ft./unit)	60'
Common Open Space (Min.)	40% of net site
Separation between Buildings (ft.) Single or two story	20'

PLANNING COMMISSION STUDY SESSION OCTOBER 5, 2020

During the Study Session, the following comments were brought forth by the Planning Commission Members:

- Commissioners expressed concern with the ingress/egress to the site from a single access road off a busy arterial in Germann Rd. and the total traffic the site will generate and how it may impact the intersection at Germann and Lindsay.
 - Per discussions with the applicant, Town approval of the proposed access will be supported if the roadways through the industrial project (East Group Properties) and apartment complex (Liv Communities) to the west connect to Silverado as shown on the approved site plans for each project and that appropriate emergency access to the site be provided through the industrial project to the west. All access details will be finalized and approved during the Design Review Application process.
 - The total traffic generation for the site as currently proposed is 1,524 daily trips per the proposed Traffic Impact Analysis. Approximately 95 trips will occur in the morning peak hour and 116 will occur in the evening peak hour on a typical day. Peak hours trips for the adjacent industrial development to the west are approximately 271 trips in the morning peak hour and 279 in the evening peak hour.
- Commissioners questioned the secondary emergency access for the site and if the Fire Department has approved it.
 - Per the applicant, permission for secondary emergency access through the industrial site to the west has been granted by the land owner and will be reviewed and approved by Town staff during the Design Review application process.
- Commissioners commented that the proposed use feels like an appropriate use for the property.

PUBLIC NOTIFICATION AND INPUT

A virtual neighborhood meeting was held on June 18, 2020. Seven (7) members of the public attended the meeting. Below is a summary of all concerns and questions brought up at the meeting:

- Question about whether there will be fencing along the ditch adjacent to the southern boundary of the site like the Liv Gilbert Crossroads development;
- Question about the hours that the amenities would be open;
- Concerns expressed over site lighting and a reminder to make sure lighting does not shine into the homes of the community to the south.
- Concerns over whether balconies will be facing the homes to the south.
- Consider the trees being placed next to the walls along the southern boundary of the site as many homeowners have pools along the back wall.

The proposed project will require public notice as specified under Land Development Code (LDC) Section 5.602.A.3.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP20-03, to change the land use classification of approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from General Office (GO) to Residential >14-25 DU/Acre land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z20-08 rezoning approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) zoning district, subject to the following conditions.
 - a. Dedication to Gilbert for Silverado Street rights-of-way that are required to connect the Property to Germann Road shall be completed prior to or at the time of recordation of the final plat as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
 - b. A secondary emergency access route shall be provided in a form acceptable to the Town Fire Marshall prior to recordation of the final plat.
 - c. Dedication of Silverado Street shall be of sufficient width to allow for turning movements at the intersection of Silverado and Germann and shall provide for a minimum 33-foot pavement width (face of curb to face of curb) elsewhere. Widths and minimum dimensions to be approved by the Town Traffic Engineer.

- d. Construction of off-site improvements to Silverado Street connecting the Property to Germann Road shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earliest.
- e. Prior to recordation of the Final Plat, Developer shall enter into a Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert 50% of the estimated costs of design and construction of a future traffic signal at Germann and Silverado. Payment shall be made the earlier of issuance of a certificate of occupancy or final approval of a building constructed on the Property.
- f. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- g. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
- h. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- i. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
- j. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code.
- k. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.

Respectfully submitted,



Keith Newman,
Planner II

Attachments and Enclosures:

- 1) Notice of Public Hearing
- 2) Aerial Photo
- 3) General Plan Exhibit
- 4) Zoning Exhibit
- 5) Applicants Narrative
- 6) Minutes from the Planning Commission Study Session on October 5, 2020
- 7) Chamber of Commerce Support Letter

Notice of Public Hearing

GP20-03 & Z20-08 Town on Germann
Attachment 1: Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, November 4, 2020* TIME: 6:00 PM

TOWN COUNCIL DATE:

Tuesday, December 1, 2020 TIME: 6:30 PM

LOCATION: Due to the impacts of the COVID-19 pandemic, all public meetings will be conducted using measures to protect public health until further notice. Please refer to the meeting agenda for methods of public participation, as permitted under Arizona state law.

*Call Planning Division to verify date and time: (480) 503-6812

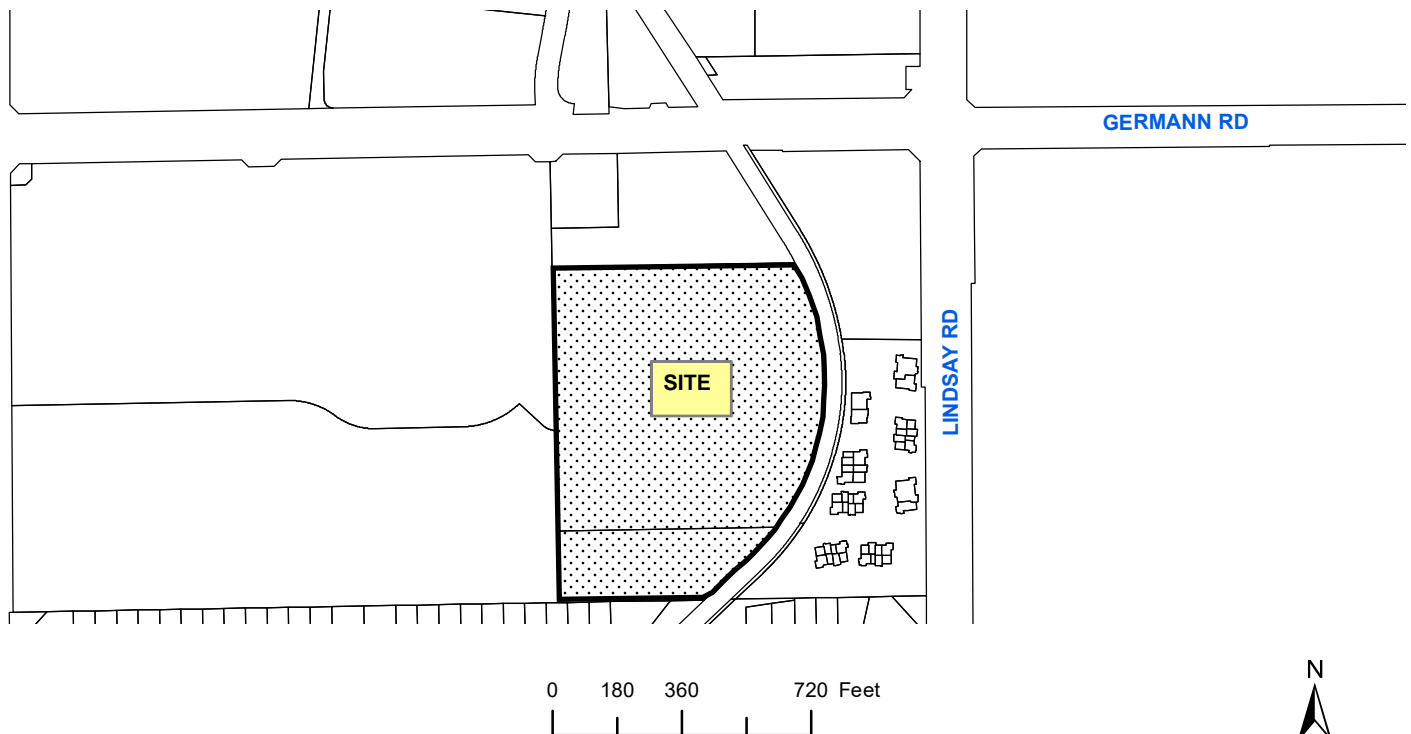
* The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission and www.gilbertdocs.com/gilbertagendaonline.

REQUESTED ACTION:

GP20-03 TOWN ON GERMANN: Request for Minor General Plan Amendment to change the land use classification of approx. 14.53 acres generally located south and west of the southwest corner of Lindsay Rd. and Germann Rd. from General Office (GO) to Residential >14-25 DU/Acre land use classification. The effect of this amendment will be to allow a multi-family residential development.

Z20-08 TOWN ON GERMANN: Request to rezone approx. 14.53 acres generally located south and west of the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) zoning district. The effect of this rezone will be to allow a multi-family residential development.

SITE LOCATION:



APPLICANT: Norris Design
CONTACT: Ben Cooper
ADDRESS: 901 E Madison St.
Phoenix, AZ 85034

TELEPHONE: 602-254-9600
E-MAIL: bcooper@norris-design.com

Town Gilbert Aerial/Parcel Map Exhibit 3

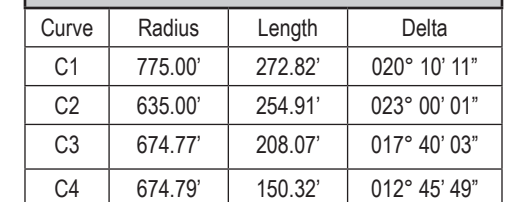
Property Owner:
Nothum Properties LP/
Pecos & Cooper SEC LLC
Mike Nothum
20 S Kyrene Rd
Chandler, AZ 85226

Applicant:
Norris Design
Ben Cooper
901 E Madison St
Phoenix, AZ 85034

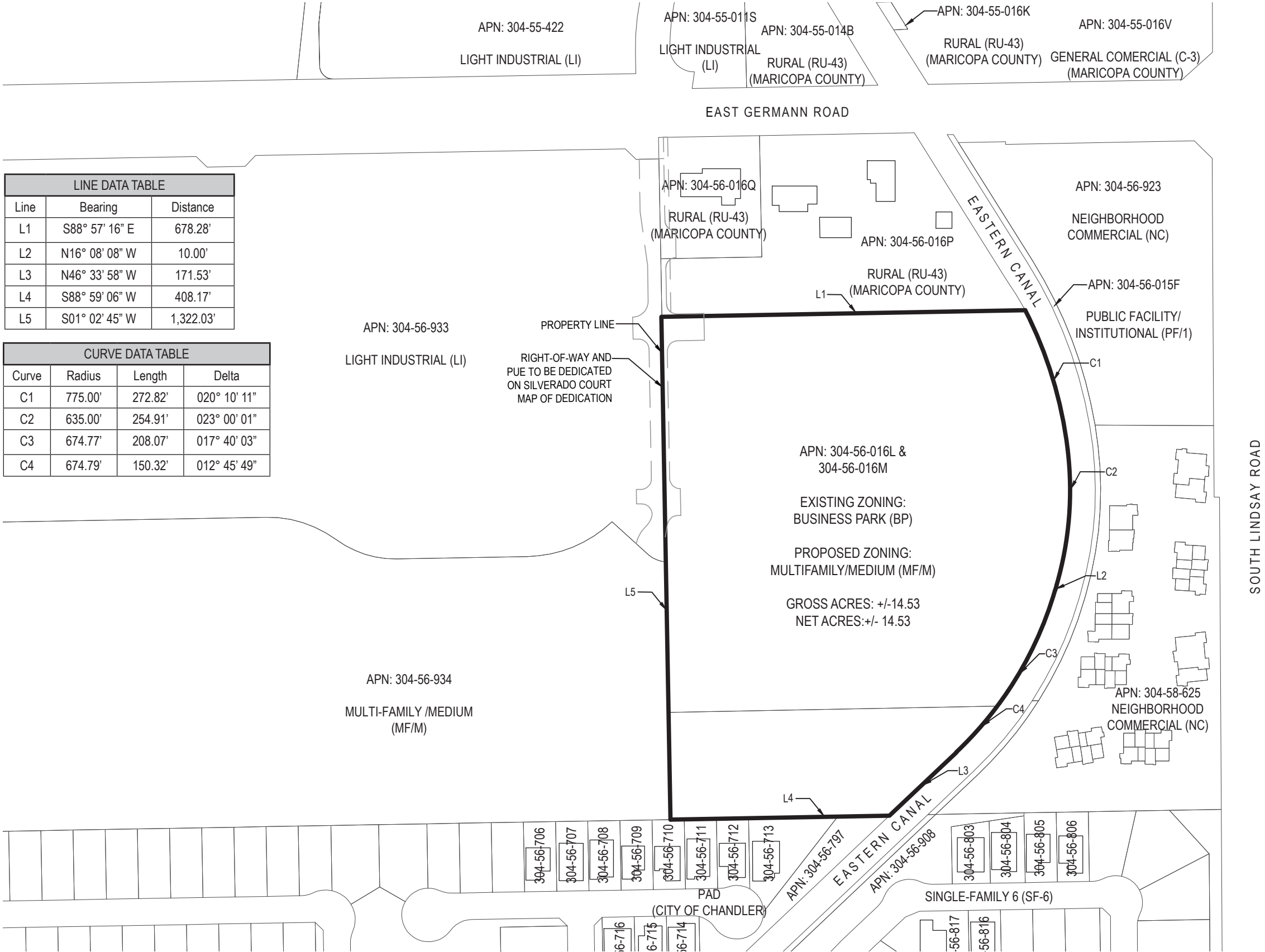
Developer:
Family Development
Rudy Herrera
73081 Fred Waring Drive
Palm Desert, CA 92260



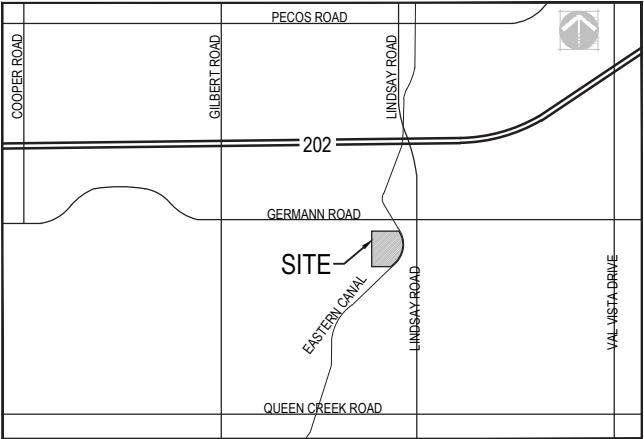
BUSINESS PARK



RESIDENTIAL > 3.5 - 5 &
RESIDENTIAL > 2 - 3.5



VICINITY MAP



ZONING PROJECT DATA TABLE

	ACREAGE (+/- GROSS)	ACREAGE (+/- NET)	PERCENTAGE OF GROSS AREA (%)
SITE AREA	+/- 14.53	+/-14.53	100
EXISTING GENREAL PLAN LAND USE CLASSIFICATION			
GENERAL OFFICE	+/-14.53	+/- 14.53	100
PROPOSED GENERAL PLAN LAND USE CLASSIFICATION			
RESIDENTIAL > 14- 25 DU/AC	+/-14.53	+/-14.53	100
EXISTING ZONING			
BUSINESS PARK	+/-14.53	+/-14.53	100
PROPOSED ZONING			
MULTIFAMILY/ MEDIUM	+/-14.53	+/-14.53	100

PROPOSED DENSITY

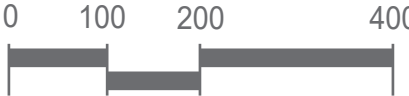
ACREAGE (+/- GROSS)	UNITS	DENSITY
+/-14.53	207	14.25 DU/AC

APN: 304-57-889P

SINGLE-FAMILY 6 (SF-6)



NORTH



1:200 SCALE





Precedent and conceptual imagery only.

TOWN ON GERMANN

Minor GPA and Rezone
GP20-03 and Z20-08



NORRIS DESIGN
Planning | Landscape Architecture | Branding

Westwood

1st Submittal: August 17, 2020
2nd Submittal: October 21, 2020

Applicant:
Norris Design
Ben Cooper
901 E Madison St
Phoenix, AZ 85034

Introduction and Request

Norris Design, on behalf of Family Development Group (“Family Development”), is submitting this narrative and related exhibits in support of a Minor General Plan Amendment from General Office (“GO”) land use to Residential>14-25 du/ac (“R>14-25”) land use and a rezone request from BP zoning district to Multi-Family/Medium (“MF/M”) district for development of “*Town on Germann*”, a 207-unit gated, luxury townhome community on approximately 14.53 gross acres located on the east side of Silverado Court, south and west of the southwest corner of Lindsay Road and Germann Road (the “Property” or “Site”). The Property is identified by the Maricopa County Assessor as Parcels 305-16-016L and 304-16-016M.

Family Development is an award-winning development firm with a proven history of building high-end luxury communities throughout Arizona and California. *Town on Germann* is anticipated to be a gated rental community with luxury townhomes, two-car garages, and private patios/stoops that will provide a new housing option near existing and future employment in the Loop 202 corridor. *Town on Germann* will provide a sensible buffer between the existing single-family residential development to the south (within the City of Chandler city limits) and the planned employment uses north and west of the Site.

Site and Surrounding Area

The Site is approximately 14.53 gross acres and is unique in that it is bordered by unincorporated Maricopa County land to the north, a Roosevelt Water Conservation District canal to the east, and City of Chandler land to the south. The Property is currently being used for agricultural purposes.

	General Plan Land Use	Current Zoning	Existing Use
North	General Office (GO)	Unincorporated Maricopa County – RU-43	Single-family home Various out buildings
East	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)	Canal, beyond medical office buildings
South	City of Chandler	City of Chandler	Single-family residential
West	R>14-25 and LI	MF/M and LI	Light industrial and future multi-family residential

Minor General Plan Amendment

The Site is designated on the Town of Gilbert General Plan Land Use Map as General Office (GO). The GO classification designates areas for large-scale office and light industrial uses, including high technology and research and development firms. The requested Residential > 14 - 25 DU/Acre classification designates areas for higher density multifamily residential uses such as condominiums, multi-story apartments and specialty residential uses.

The size, location, and shape of the property has not been a good match for General Office and the 35-year property owner has been unsuccessful in attracting businesses who can utilize the land use classification. Likewise, the owner has been unable to generate interest from users in other employment designations despite the success of nearby light industrial projects and the prospect of a new freeway interchange at Lindsay Rd. Market feedback has continually indicated that the site’s lack of frontage and relatively poor access (ingress/egress) is not ideal for employment uses. Beyond that, the prospect of potentially placing 24/7 business operations so close to the existing single-family homes (to the south) has also been a concern for users and some nearby residents.

Compatibility with Goals and Policies of the General Plan

Family Development's request for a minor amendment to the General Plan Land Use Map is consistent with and supported by the following Goals and Policies in the recently adopted *2020 Gilbert General Plan: Plan for Our Future*.

General Plan Goals Supported by this Application

Goal	Description
CM-1	Encourage a Balanced Land use Framework
CM-2	Focus on Quality Development
CM-3	Foster Vibrant Gathering Places
CM-4	Promote Our Neighborhoods
CM-5	Provide Diverse, High Quality Housing
CM-7	Bring Us Together
OP-1	Encourage Job Growth
OP-2	Promote Health and Wellness
OP-3	Maintain Public Safety
CN-1	Effectively Manage Congestion
CN-2	Improve Mobility Choices

General Plan Policies Supported by this Application

Policy	Description
Policy 1	<p>Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources.</p> <p><i>Applicant Response: This application takes a thoughtful approach to the subject property's infill location. It is a sound planning principal to buffer higher intensity uses from lower intensity uses, and this Residential >14-25 project continues the principal followed by the adjacent Liv Community apartment project by providing an efficient land use and buffer between the nearby light industrial development and the existing single-family homes to the south.</i></p>
Policy 2	<p>Encourage high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, market preferences, and incomes.</p> <p><i>Applicant Response: The proposed multifamily community will be planned and constructed by a home builder known for its quality developments in several states, with locations in the Phoenix area such as Scottsdale, Arcadia, and the Biltmore. The proposed two-story "townhomes for rent" will fill a niche and provide a type of housing that is unique to the Gilbert/Germann submarket.</i></p>
Policy 4	<p>Promote mixed-use development within appropriate land use classifications.</p> <p><i>Applicant Response: While not a mixed-use development itself, this proposal brings a new residential option to an area with substantial employment and commercial uses nearby. Residents will be able to walk to work and/or have a short drive to shopping and other services.</i></p>
Policy 5	<p>Guide a greater diversity of housing types and densities, retail and commercial centers, and employment opportunities into identified growth areas where significant change is foreseeable.</p>

	<p><i>Applicant Response: This proposal will provide a unique residential option and encourage additional development within an infill parcel located in the Gilbert and the 202 Growth Area. As such, it will support other expansion currently anticipated on both sides of the freeway between Gilbert and Lindsay.</i></p>
Policy 6	<p>Support the provision of appropriate transitions between sites having distinct changes in types or intensities of land uses.</p> <p><i>Applicant Response: The proposed change to Residential > 14-25 acknowledges the need for appropriate transitions between intense development like the light industrial developments on both sides of Germann Road and the existing single-family homes to the south. The quiet multifamily community will provide a buffer and compatible transition between its surrounding uses.</i></p>
Policy 7	<p>Preserve and maintain Gilbert's attractive appearance and quality of development that provide a sense of place.</p> <p><i>Applicant Response: The developer pursuing this application has a reputation for high-quality design and craftsmanship and looks forward to bringing a project through Gilbert's Design Review process that will make the Town's residents proud. The community's design will utilize planning, landscape, and amenities to create a sense of place for its residents and guests.</i></p>
Policy 13	<p>Apply principles that ensure a safe and welcoming environment when designing individual structures or master planned developments.</p> <p><i>Applicant Response: Community safety is a top concern and the project will be designed to unobtrusively maximize the security that residents enjoy. Sound planning principles will be used to ensure natural surveillance and visibility, adequate lighting, secure fencing, and other means of maintaining a safe property to be enjoyed by residents and guests.</i></p>
Policy 15	<p>Promote a variety of well-designed and maintained public and private parks and open spaces that will encourage and support community interaction and recreational activity for all ages.</p> <p><i>Applicant Response: With over 40% open space which will include a large private "central park," multiple smaller parks, trails, and community amenities, residents of the new community will have ample opportunities to live a healthy live while getting to know their neighbors.</i></p>
Policy 16	<p>Recognize, sustain, and promote the quality and character of existing residential neighborhoods as they mature, and as new development occurs nearby.</p> <p><i>Applicant Response: This application is sensitive to the existing single-family neighborhood to the south and will provide adequate buffering, landscaping and other design elements to ensure that the four adjacent homeowners are not negatively impacted by the development.</i></p>
Policy 19	<p>Support infill development that is designed to acknowledge the surrounding context.</p> <p><i>Applicant Response: This proposal provides a sensible transition from the more intense industrial uses to the north to the existing single-family homes to the south.</i></p>

Policy 58	<p>Promote strategies that create a healthy community by improving air quality.</p> <p><i>Applicant Response: Infill development like this reduces commutes and supports the policy of improving air quality. Its location near the Loop 202 will also help avoid creating new congestion on the local street network.</i></p>
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Finally, it should be noted that the intent of “Policy 44: Reserve and provide sites for employment and economic development – especially for major industries” is to “ensure that a sufficient number of prime sites are reserved for [office and industrial] industries.” As described above, the long-time owner of the property has been unsuccessful in attracting interest in the property from Business Park or Light Industrial users because of the site’s landlocked (subprime) location, its lack of visibility/frontage on an arterial or freeway, its odd shape, and its adjacency to multifamily and single family residential. Gilbert is home to a multitude of better sites and opportunities for major industries both elsewhere in this submarket and in the Town as a whole.

Conventional Rezone Request from BP to MF/M

The current zoning on the Property is Business Park (BP). The BP district permits integrated campus-style office development serving high technology, research and development, office, service and light industrial uses. The proposed zoning is Multifamily/Medium (MF/M), which is consistent with the requested General Plan land use classification and allows for multi-family residential development between 14-25 du/gross acre. This is the same zoning that is on the property to the west of the Site which will be developed as Liv @ Gilbert Crossroads, a 350+ unit traditional garden-style apartment complex.

As noted, and justified above, the 35-year owner of the property has been unsuccessful in attracting Business Park or Light Industrial users, despite the success of nearby industrial projects and the prospect of a new freeway interchange at Lindsay Rd.

As a conventional rezoning request, this application is not proposing any deviations from development standards contained in the Gilbert Land Development Code.

Availability of Public Utilities and Services

The Site is in an area of Gilbert that has received substantial public utility investments. All required services (water/wastewater, power, telephone, etc.) are adjacent to the Site in the private drive (see below) which connects the site to Germann Road at the Silverado Court alignment. In addition, Germann Road improvements are currently under way as part of Capital Improvement Project ST145.

Site Access and Circulation

The primary access for *Town on Germann* will be via Silverado Court, an installed drive that is currently under review for dedication as a public street on a Map of Dedication provided by the adjacent property owner (along the Site’s western boundary). The driveway was installed with Phase 1 of the light industrial development to the north and will provide ingress/egress for the light industrial users and egress for Liv @ Gilbert Crossroads. The width of the drive (including 10’ ROW and 8’ PUE to the east of the property line) was negotiated between Town of Gilbert officials and the adjacent property owners, including the owners of the subject parcel, Shappell, EastGroup Properties, and the Rockefeller Group (Liv Communities). Two access points (curb cuts) onto the private drive have been provided to accommodate the *Town on Germann* community. As of this writing, dedication of the private drive is imminent and is expected to be complete before development on the subject property is complete.

Interior circulation in the community will be provided by a main loop drive with smaller access drives throughout. The units will front onto common open spaces with rear-entry garages along the alley-style access drives. Visitor parking is provided conveniently throughout the community and guests will easily access nearby sidewalks which provide access through thoughtfully designed open space to the front door of each unit.

Given the unique infill location of this project, primary emergency access to the community will be accomplished exclusively from Silverado Court through one or both gated entries, as needed. Secondary emergency access will be available through the industrial project to the west (see attached diagram).

Per discussions and correspondence with Town of Gilbert staff, Town approval of this access will be supported, contingent upon the following conditions:

1. The roadways through the industrial project (EastGroup Properties) and apartment complex (Liv Communities) to the west connect to Silverado as shown in the approved site plans.

Applicant comment:

- a. It is noted that the construction permit application for EastGroup's Phase 2 is in for second review with the Town of Gilbert, and that construction of Phase 2 is expected to begin in November 2020. The development will be constructed in accordance with the approved site plan and will allow for secondary emergency access to the subject site as required by this stipulation.
 - b. The Liv Multifamily project is currently under construction and is expected to provide a connection to Silverado as shown on its approved site plan.
2. Two additional fire hydrants are located on Silverado at the entrances to the subdivision.

Applicant comment:

The applicant will comply with this condition and will work with the Fire department to determine specific locations during design review.

3. The entire subdivision has fire sprinklers.

Applicant comment:

The applicant agrees with this condition.

In addition to agreeing to the conditions above, the applicant has obtained a letter from the neighboring property owner (East Group Properties) stating that it would allow secondary emergency ingress/egress through its development if it is ever needed. This letter was provided to the Town of Gilbert on May 8, 2020.

Commissioner Jones noted that this proposal is adjacent to Perry High School and asked if the applicant had plans to maintain that nearly one acre between the school and this new McDonald's with the potential for loitering and garbage with the empty lot. Ms. Bethel stated to her knowledge, there are no future development plans for that lot, although they have been in communication with the school district, as we have advised, to mitigate any potential issues that may arise due to their location next to the school. She will check back with the applicant to see if that was discussed.

Commissioner Mundt felt this project seemed appropriate for administrative approval.

Chair Bloomfield felt everyone was fine with the general site design. There are a few questions that cannot be answered because it will mostly be dictated by the future development. In terms of the general elevation, it looks like a McDonald's with a fun color. He did not see any concerns from the Commission regarding administrative approval and felt that was fine.

6. GP20-03 TOWN ON GERMANN: Request for Minor General Plan Amendment to change the land use classification of approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) to Residential >14-25 DU/Acre land use classification.

Z20-08 TOWN ON GERMANN: Request to rezone approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) zoning district.

Planner Keith Newman presented GP20-03 and Z20-08, Town on Germann. The applicant is requesting to change the land use classification and zoning on the 14.5 acre property located southwest of Lindsay and Germann Roads. In the general area, the Rockefeller project came in a few years ago, there is an existing apartment complex and light industrial warehousing. Staff is requesting input from the Commission on the proposed General Plan Amendment and rezone.

The General Plan designation is being proposed to change from General Office (GO) to Residential 14-25 DU/Acre. The zoning is requested to change from Business Park (BP) to Multi-Family/Medium (MF/M). The existing zoning and General Plan designation do not match up because with the 2020 General Plan update, we consolidated some of the names of the General Plan land use categories. The Business Park category was consolidated under General Office, although the uses are still the same.

The site is approximately 14.5 acres with access off Germann Road down Silverado, which is a minor collector roadway and the only way in and out of this development. The applicant is not proposing a Planned Area Development, but conventional zoning. The proposal is in compliance with all Town LDC requirements. The conceptual plan shown for reference will not be approved as part of this zoning change, but will come in at a later date for Design Review. The conceptual plan shows how the site could develop in the future as it moves through the Design Review stage. Staff will work through all of the details with the developer in that process. The subject site is located within the Gilbert/202 Growth Area, which identifies areas that are suitable for multi-modal transportation infrastructure and improvements, and designed for a variety of uses such as residential, office, commercial and industrial-type uses. The applicant has chosen to change to residential due to the constraints on the property, such as the lack of frontage along Germann Road, poor access off of one roadway which is a minor collector, the location adjacent to an RWCD canal along the eastern boundary of the site, and the close proximity to the existing apartment complex. All of those things make developing this site into General Office type uses challenging. The owner has had the property for 35 years and has been unable to generate interest from employment users over the

years. The applicant believes multi-family would be a more compatible use and provides a better buffer to the existing single-family homes and Business Park zoning along Germann Road. The staff report lists the goals and policies supported by this General Plan.

The rezoning request is for Multi-Family/Medium in order to develop 207 townhouse units in a gated community at 14-25 DU/Acre. The applicant is proposing six clusters of 4, 5, and 6 buildings, lots of open space, and a large buffer along the southern property boundary adjacent to approximately 4 single-family residences. That buffer will be approximately 65' at its widest point and 45' at its smallest point with an existing irrigation ditch along the southern boundary. There is one primary access and we are working to negotiate future cross access for emergency purposes with the industrial piece to the west. Those details will be worked out when it comes back through the Design Review process. A virtual neighborhood meeting was held on June 18, 2020, with seven property owners in attendance. There were some concerns, although there was nothing staff would consider to be major. The applicant has taken note of those concerns and will make sure they are addressed when this comes in for the Design Review application.

COMMISSION QUESTIONS/COMMENTS:

Commissioner Mundt noted this site has questionable ingress/egress on a number of townhomes near an intersection that is jammed up quite often for multiple hours during the morning and afternoon as well as the AZDOT plan for putting highway ramps in that area. He asked what amount of traffic this will generate.

Mr. Newman stated that is currently being analyzed as staff is still going through the first review of this project for the rezone and General Plan Amendment. No comments have been issued yet concerning the TIA. Staff will look at traffic generation and daily trips for this site. He can provide more information when this item comes back for a public hearing.

Commissioner Mundt wanted to voice that concern. He liked the idea of finding some manageable use for this land that the owner has held for quite some time. It is in a peculiar area that is difficult to develop.

Vice Chair Simon had an opportunity to speak with the applicant on this project. This piece of property really is an island. With what we have tried to do with buffering of residential to commercial or light industrial, he felt it makes sense to look at this property in this light and felt the product they are proposing would fit well there. He would like to see some of the traffic studies and how that may impact that intersection. He felt in this particular section, it makes sense to look at this from a downzoning perspective due to what else is around it.

Commissioner Fay stated this property only has one point of access and we can't depend on the timing or what will come in to the west. He asked if the fire department will get a second point of access or will they sign a variance to allow only one point of access.

Mr. Newman stated there have been preliminary discussions with the applicant on that matter. We are currently working with the adjacent property owner to the west to be able to secure a secondary access through their site. That is in the very early stages of discussion. The goal is to obtain a cross access type of easement to provide emergency access through the industrial piece to the west. Staff will continue to work on that issue, especially as we move into the DR phase.

Commissioner Fay felt that was a good direction to go, although the property to the west is not under consideration and we have no control of the timeline. They could sign a cross access agreement and not come in for another 10 years and there would only be one point of access for the fire department. Will the

fire department buy into that or will they insist on something else.

Mr. Newman stated the industrial site is currently under construction now. Those drive aisles are currently being constructed and Silverado has been constructed all the way out to Germann. It is close to being finished, so we are assuming they will be able to get that cross access for emergency purposes.

Commissioner Fay appreciated the explanation. He noted the aerial view did not show the current construction.

Commissioner Blaser agreed with the prior comments. He was concerned about the traffic impact and believes the access to the adjacent property is critical. It certainly feels like the proper use for this piece of property.

Chair Bloomfield also had a chance to visit with the applicant who makes a good case that this is a good use for the area. We are always concerned about downzoning and taking out some business and commercial property. At the same time, high-density development and residential is not a bad use, especially this close to the San Tan development area and everything that is going on there. He encouraged staff to keep moving forward for all those reasons. He asked if it was the same master developer and owner that brought cases from the west before it was sold?

Mr. Newman stated it was not the same master developer, but a different development company.

Chair Bloomfield felt that would have made the negotiations for the cross access agreement easy. As long as they are aware of the concerns, they will work on that and get it accomplished.

7. DR20-117 BANNER GATEWAY MEDICAL EXPANSION & RENOVATION: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for a new patient tower, expansion to the existing D&T facility, two (2) new surface parking lots and the preliminary site plan review of the overall banner Gateway Medical Campus on approximately 63.5 acres, generally located at the northwest corner of Higley Road and Banner Gateway Drive, and zoned Reginal Commercial (RC).

Planner Sydney Bethel presented DR20-117 Banner Gateway Medical Expansion and Renovation. The site is generally located at the northwest corner of Higley Road and Banner Gateway Drive, south of US 60 and it is zoned Regional Commercial. The Banner Gateway Medical Center campus is a 56.4 acre site that has been steadily developing in phases since the mid-2000s. The hospital originally opened in the fall of 2007. The campus includes a hospital, cancer center, and medical office building facilities. With this application, 6.7 acres will be added to the overall site plan to the south for the Banner Gateway Center, which will bring to total site area to 63.5 acres. Staff is requesting input from the Commission on the general site design and elevations. Staff's first review comments have been sent to the applicant. The Commission feedback will be incorporated into the second submittal.

The Banner Gateway Medical Center is a 180-bed inpatient hospital that opened in 2007. The original hospital consisted of one 5-story patient tower and a 2-story diagnostic and treatment (D&T) facility. The expansion request includes a second 5-story patient tower which will be connected to the existing patient tower to the south. The expansion of the existing D&T facility to the east and west will be 2 stories with a basement as well as two surface parking areas to accommodate the new development, one located to the west of the new tower and one south of Banner Gateway Drive. The development team intends to develop a future surface parking lot located on the northeast corner with an additional 90 spaces. That was not



MEMO

TO: Town Council
FROM: Gilbert Chamber Board of Directors
DATE: October 23, 2020

RE: GP20-03 & Z20-08 - TOWN ON GERMANN

The Gilbert Chamber is very careful when reviewing general plan amendment and re-zoning applications that propose to convert any amount of employment land to a residential use. However, there are occasions when we find that such land use changes will support the important goals of business and job growth within Gilbert.

The Gilbert Chamber's Board of Directors and Public Policy committee are in support of the request to amend the classification from General Office to Residential > 14-25 DU/AC and downzone the 14.53 acres from Business Park to Multi-Family/Medium at the property generally located at the southwest corner of Lindsay Rd. and Germann Rd. It was acknowledged that the parcel offers limited viability as an employment parcel due to its cul-de-sac location off an arterial, no access to Lindsay Road, and development of a similar residential project adjacent to this parcel. Also noted is the desirability of the proposed product which offers leased townhome living.

Should you have any questions, please contact Sarah Watts at sarah@gilbertchamber.com.